

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 17-cv-13491
Hon. Matthew F. Leitman

v.

RUGER SR9C 9MM PISTOL SN: 33666008;
BUSHMASTER XM15-E2S .223 CALIBER
RIFLE, SN: BK5005065; AND 2013 NISSAN
INFINITI QX56, VIN: JN8AZ2NE2D9060314;

Defendants *in Rem*.

/

**STIPULATED CONSENT JUDGMENT AND FINAL ORDER OF
FORFEITURE AS TO ALL DEFENDANTS *IN REM***

On or about October 27, 2017, Plaintiff, the United States of America, filed a Complaint for Forfeiture (Docket # 1) against the following defendants *in rem*:

1. The Defendants *in rem* consist of the following:
 - a) 2013 Nissan Infiniti QX56, VIN: JN8AZ2NE2D9060314;
 - b) Ruger SR9C 9mm Pistol SN: 33666008 and 13 rounds of 9 mm ammunition with magazine;
 - c) Bushmaster XM15-E2S .223 Caliber E2S .223 Rifle, SN: BK5005065;
- (items a) through c) collectively referred to as “Defendant Personal Property”).

2. Notice of Civil Forfeiture was posted on the official government internet site (www.forfeiture.gov) beginning October 28, 2017.
3. Claimant, Tamika Roshell, filed a Notice of Claim for 2013 Nissan Infiniti QX56 VIN: JN8AZ2NE2D9060314 on November 16, 2017 (Docket #9).
4. Claimant, Tamika Roshell, filed a Notice of Claim for Bushmaster XM15-E2S .223 Caliber Rifle SN: BK5005065 on November 16, 2017 (Docket #10).
5. Claimant, Tamika Roshell, filed a Notice of Claim for Ruger SR9C 9 mm Pistol SN: 33666008 on November 16, 2017 (Docket #11).
6. Claimant, Tamika Roshell, filed an Answer to the Complaint on November 16, 2017 (Docket #12).
7. Notice by publication was completed in this case on December 27, 2017, and a Declaration of Publication was entered with the Court on December 28, 2017. (Docket #14.)
8. Plaintiff, the United States of America, and Claimant, individually and by and through her attorney, Clint W. Perryman, (“the parties”) wish to resolve this matter without further litigation and expense.

NOW THEREFORE, IT IS STIPULATED by and between the parties as follows:

- 1) This action is a civil *in rem* forfeiture action brought pursuant to 21 U.S.C. § 881.
- 2) This Court has jurisdiction and venue over this action pursuant to 28 U.S.C. §§ 1345, 1355, 1391, and 1395.
- 3) The allegations of the Complaint for Forfeiture are well taken, the United States and its agents had reasonable cause for seeking forfeiture of the above-enumerated property as provided in 28 U.S.C. § 2465, the Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B), and Claimant shall not claim or seek attorney fees from the United States under the Civil Asset Forfeiture Reform Act, the Equal Access to Justice Act, or any other act, statute or regulation.
- 4) In lieu of forfeiture of the 2013 Nissan Infiniti QX56, VIN: JN8AZ2NE2D9060314, which shall **NOT** be forfeited, but shall be **RELEASED** to Tamika Roshell, Claimant shall pay \$600.00 to the United States in the form of a certified check or money order made payable to the United States Marshals Service and delivered to Assistant United States Attorney Philip Ross. If Claimant has not paid the \$600.00 within 60 days of entry of this Stipulated Consent Judgment, Claimant consents to the entry of a money judgment in the amount of \$600.00 and acknowledges that the money judgment may be satisfied, to whatever extent possible,

from any property owned or under the control of the Claimant, including any assets she has now, or may later acquire.

- 5) The remaining Defendant Personal Property shall be **FORFEITED** to the United States of America pursuant to 21 U.S.C. § 881(1)(6). Further, any right, title or interest of the Claimant and his successors and assigns, and any right, title and interest of all other persons in the Defendant Personal Property together with interest earned, if any, is hereby and forever **EXTINGUISHED**, and clear title to said property shall hereby be **VESTED** in the United States of America.
- 6) Upon entry of this order, the United States Marshals Service is **AUTHORIZED** to deposit a check for \$600 drawn on the bank account of Claimant's Counsel and **DISPOSE** of such property according to law.
- 7) Claimant hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of reasonable attorney fees and litigation costs in connection with this civil forfeiture action under 28 U.S.C. § 2465(b)(1)(A) or any other statute that might conceivable apply.
- 8) Claimant agrees to release, remise and discharge plaintiff, the United States of America, and any of its agencies involved in this matter, including the Drug Enforcement Administration and the United States Marshals Service, the United States Attorney's Office, and their agents,

officers and employees, past and present, from all claims or causes of action which Claimant and his agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

- 9) The United States hereby knowingly and voluntarily waives any and all right to reimbursement by Claimant of reasonable attorney fees and other costs in connection with civil forfeiture action.
- 10) Each of the parties to this Stipulated Consent Judgment has discussed this settlement with their respective counsel, and fully understands its terms and conditions and the consequences of entering into it. The parties agree that each shall bear their own costs in this matter.

/s/ Philip A. Ross

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(VA State Bar #70269)

Date: January 9, 2018

See attached signature

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(P69323)

Date: January 3, 2018

See attached signature

Tamika Roshell, Claimant

Date: January 3, 2018

IT IS SO ORDERED.

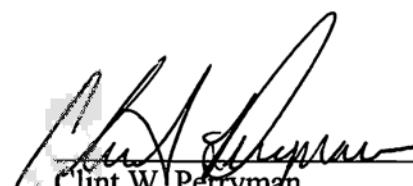
/s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 9, 2018

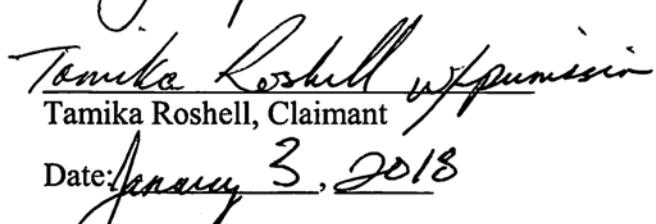
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Date: January, 3 nd 2018



Tamika Roshell ^{by permission}
Tamika Roshell, Claimant

Date: January 3, 2018